

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Richmond Division

IN RE:
MAUDIE STALLINGS HARO
Debtor

Case No. 19-36058-KRH
Chapter 13

AJX MORTGAGE TRUST II, A DELAWARE
TRUST, WILMINGTON SAVINGS FUND
SOCIETY, FSB, TRUSTEE
Movant

v.
MAUDIE STALLINGS HARO
Debtor/Respondent
and
OLIVE M. BUTLER
Co-Debtor/Co-Respondent
and
SUZANNE E. WADE
Trustee/Respondent

MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY

AJX Mortgage Trust II, a Delaware Trust, Wilmington Savings Fund Society, FSB, Trustee (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay, and pursuant to 11 U.S.C. § 1301(c)(3), for relief from the Co-Debtor stay, with respect to certain real property of the Debtor having an address of 6117 Darjoy Drive, Richmond, VA 23231 (the “Property”), for all purposes allowed by the Note (defined below), the Deed of Trust (defined below), and applicable law, including but not limited to the right to foreclose. In further support of this Motion, Movant respectfully states:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 & 157.
2. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtor on November 18, 2019.
3. The Debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$137,000.00 (the “Note”). A copy of the Note is attached hereto. Movant is an entity entitled to enforce the Note.
4. Pursuant to that certain Deed of Trust (the “Deed of Trust”), all obligations (collectively, the “Obligations”) of the Debtor and Co-Debtor under and with respect to the Note and the Deed of Trust are secured by the Property. The lien created by the Deed of Trust was

perfected by recording of the Deed of Trust in the office of the Clerk of the Circuit Court of Henrico County, Virginia. A copy of the recorded Deed of Trust is attached hereto.

5. Effective on or about June 1, 2013, the terms of the note and Deed of Trust were modified by a written agreement (the "Loan Modification Agreement"). A copy of the Loan Modification Agreement is attached hereto.

6. The legal description of the Property is:
All that certain lot or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the Varina District of Henrico County, Virginia, known, numbered and designated as Lot 19, Block C, Section C, Pine Forest, all as more particularly shown on recorded subdivision plat made by Engineering Design Assoc., Inc., entitled "Pine Forest, Section C", dated February 5, 1992, and recorded in Plat Book 95, pages 29 and 30, to which plat reference is hereby made for a more particular description of the real estate.

Being the same real estate conveyed to Olive M. Butler and Maudie S. Haro, as joint tenants with the right of survivorship as at common law, by deed from Stanley James Jones (also known as Stanley James Jones, Sr.) and Towanda D. Jones, husband and wife, dated August 26, 2004, recorded September 2, 2004, in the aforesaid Clerk's Office in Deed Book 3732, page 926.

7. As of February 7, 2020, the outstanding amount of the Obligations due to the Movant, less any partial payments or suspense balance is:

Unpaid Principal Balance	\$118,693.90
Unpaid, Accrued Interest	\$10,126.07
Uncollected Late Charges	\$36.92
Mortgage Insurance Premiums	\$0.00
Taxes and Insurance Payments on behalf of Debtor	\$2,140.97
Other Costs	\$6,366.40
Less: Partial Payments	-\$428.57
Minimum Outstanding Obligations	\$136,935.6956

8. The following chart sets forth the number and amount of post-petition payments due pursuant to the terms of the Note that have been missed by the Debtor as of February 7, 2020:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Missed Payments
1	12/01/2019	12/01/2019	\$869.71	\$869.71
2	01/01/2020	02/01/2020	\$1,021.56	\$2,043.12
Less post-petition partial payments (suspense balance):				\$0.00

Total Post-petition Payments: \$2,912.83

9. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$1,050.00 in legal fees and \$181.00 in costs.

10. The estimated value of the Property is \$173,400.00. The basis for such valuation is Debtor's Schedules.

11. Cause exists for relief from the automatic stay for the following reasons:

- a. Movant's interest in the Property is not adequately protected.
- b. The Debtor has failed to make required post-petition payments.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay for all purposes allowed by the Note, the Deed of Trust, and applicable law, including but not limited to allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. Relief from the co-debtor stay imposed by 11 U.S.C § 1301(a).
3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
4. For such other relief as the Court deems proper.

Respectfully Submitted,

Dated: February 11, 2020

/s/ Andrew Todd Rich
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CERTIFICATE OF SERVICE

I certify that on this 11th day of February, 2020, the following person(s) were or will be served with a copy of the foregoing Motion for Relief from Automatic Stay and Co-Debtor Stay Pursuant electronically via the CM/ECF system or by first class mail, postage prepaid:

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